

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, :
:
v. : 12-CR-142 (RRM)
:
LOUIS DION, : February 29, 2012
:
Defendant. : Brooklyn, New York
:
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TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING
BEFORE THE HONORABLE MARILYN D. GO
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government: LORETTA LYNCH, ESQ.
UNITED STATES ATTORNEY
BY: STEPHEN MEYER, ESQ.
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Brooklyn, New York 11201

For the Defendant: ALEXANDER SOUTHWELL, ESQ.

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Proceedings recorded by electronic sound recording,
transcript produced by transcription service

1 THE CLERK: Criminal cause for plea hearing,
2 United States v. Louis Dion, docket number 12-142.

3 Counsel, please state your appearances for the
4 record, starting with the government.

5 MR. MEYER: Stephen Meyer for the United States.

6 MR. SOUTHWELL: Alexander Southwell for the
7 defendant. Good afternoon, your Honor.

8 THE COURT: Good afternoon, counselors.

9 Good afternoon, Mr. Dion.

10 Mr. Southwell, I understand that your client is
11 prepared to waive indictment and plead guilty to an
12 information pursuant to a written plea agreement.

13 MR. SOUTHWELL: Yes, your Honor, that's correct.

14 THE COURT: Mr. Dion or Dion?

15 THE DEFENDANT: Dion.

16 THE COURT: Dion. As you may know, you have a
17 constitutional right in any criminal case involving a felony
18 to be charged by indictment of a grand jury. What that
19 means is, unless a grand jury finds by return of an
20 indictment that there is probable cause to believe that a
21 crime has been committed and that you committed it, this
22 criminal prosecution cannot proceed. If you do not waive
23 indictment, the government would be required, in order to
24 proceed in a criminal matter against you, to present the
25 case to a grand jury and as it to indict you.

1 A grand jury is composed of at least 16 and not
2 more than 23 persons, and at least 12 grand jurors must find
3 that there's probable cause you've committed a crime before
4 you could be charged with a crime in an indictment.
5 Sometimes the grand jury might not indict.

6 Do you understand that?

7 THE DEFENDANT: Yes, I do.

8 THE COURT: If you waive indictment by a grand
9 jury, this case will proceed with a document called an
10 information signed by the U.S. attorney, just as though
11 you'd been indicted.

12 Have you discussed waiving your right to
13 indictment by the grand jury with your attorney?

14 THE DEFENDANT: Yes, I have.

15 THE COURT: Do you understand your right to
16 indictment by a grand jury?

17 THE DEFENDANT: Yes.

18 THE COURT: I have in my hand a document entitled
19 "waiver of indictment," and it states that you've been
20 accused of a crime to defraud the United States and you've
21 been advised of your rights.

22 Is this your signature on the line above your
23 name?

24 THE DEFENDANT: Yes, it is.

25 THE COURT: Have you received a copy of the

1 information in this case?

2 THE DEFENDANT: Yes, I have, your Honor.

3 THE COURT: In this information, you're charged
4 with having engaged in a scheme to defraud -- a conspiracy
5 to commit securities fraud. I have in my hand a copy of the
6 information, in which it is stated that you engaged in a
7 scheme to defraud others -- you conspired to execute a
8 scheme to defraud others in connection with the sale of
9 common stock of two corporations, Sync2 Networks Corp., S--
10 y-n-c-2, the number 2, Networks Corp., as well as Siga, S-i-
11 g-a Resources, Inc.

12 This information states that you engaged in this
13 conspiracy between the time period of August 1st, 2009 and
14 December 1st, 2009, and you made -- in connection with the
15 conspiracy, you engaged in a scheme to defraud by making
16 false statements and engaged in travel in interstate
17 commerce.

18 In the preparatory paragraphs of the indictment,
19 the scheme that's alleged states that you engaged in
20 carefully masked promotion campaigns to others, without
21 revealing your interest in certain stocks. You manipulated
22 the trading volume of the stock, conducted match trades and
23 paid undisclosed kickbacks to brokers and market makers, and
24 that you also engaged in transactions through nominee
25 entities to engage in the sale of the stocks described in

1 the information.

2 This scheme is loosely described as a "pump and
3 dump" scheme with respect to the shares of stock in Sync2
4 Networks Corp. as well as Siga Resources, Inc.

5 Do you understand the allegations set forth in the
6 information?

7 THE DEFENDANT: Yes, I do.

8 THE COURT: Did you also review the overt acts
9 alleged in the information? On page 6, there are six overt
10 acts in which you are alleged to have committed in
11 connection with the pump and dump scheme.

12 THE DEFENDANT: Yes, I have.

13 THE COURT: Did you discuss the charge in the
14 information with your attorney before waiving indictment?

15 THE DEFENDANT: Yes, I have.

16 THE COURT: Now, I understand that you intend to
17 plead guilty to the charge in the information. As you may
18 know, your case has been assigned to Judge Mauskopf, and she
19 is the judge who will make the ultimate decision whether to
20 accept your guilty plea, and if she does, she will be the
21 judge who will sentence you. You have the absolute right to
22 have Judge Mauskopf listen to your plea, and if you choose
23 to do so, that will be without any prejudice to you.

24 Do you understand that?

25 THE DEFENDANT: Yes, I do.

1 THE COURT: I understand that Judge Mauskopf has
2 referred your guilty plea to me, and I have in my hand a
3 form entitled "consent to proceed before a United States
4 magistrate judge."

5 Did you review this consent form with your
6 attorney?

7 THE DEFENDANT: Yes, I did.

8 THE COURT: Is this your signature on the line
9 above the word "defendant?"

10 THE DEFENDANT: Yes, it is.

11 THE COURT: Do you, as set forth in this consent,
12 give your consent voluntarily to having me hear your plea?

13 THE DEFENDANT: Yes, I do.

14 THE COURT: Since this Court must be certain that
15 you understand your rights and the consequences of your
16 plea, I will explain certain matters to you and ask you
17 questions. If I say anything you don't understand, please
18 say so and I will reword.

19 Is that clear?

20 THE DEFENDANT: Yes.

21 THE COURT: First, I'm going to ask you to take an
22 oath.

23 (Defendant is sworn.)

24 THE COURT: Mr. Dion, you have just taken an oath
25 to tell the truth.

1 Do you understand that if you answer any of my
2 questions falsely, your answers could later be used against
3 you, in another criminal prosecution for perjury or for
4 making a false statement?

5 THE DEFENDANT: Yes, I do understand.

6 THE COURT: What is your full name?

7 THE DEFENDANT: Louis Dennis Dion.

8 THE COURT: How old are you?

9 THE DEFENDANT: 61.

10 THE COURT: What schooling or education have you
11 had?

12 THE DEFENDANT: High school.

13 THE COURT: Are you presently or have you recently
14 been under the care of a doctor or psychiatrist?

15 THE DEFENDANT: Well, not a psychiatrist but a
16 doctor. I've seen one in the MDC, for example, but
17 nothing --

18 THE COURT: Was it just a regular checkup?

19 THE DEFENDANT: A general checkup, yes.

20 THE COURT: Okay. Have you been seeing a doctor
21 for treatment of any particular condition?

22 THE DEFENDANT: No.

23 THE COURT: Have you ever been hospitalized or
24 treated for any mental illness or addiction to drugs,
25 alcohol or any other substance?

1 THE DEFENDANT: No, I have not.

2 THE COURT: In the past 24 hours, have you taken
3 any pills, medicine or drugs of any kind or drunk any
4 alcoholic beverages?

5 THE DEFENDANT: No, I have not.

6 THE COURT: Is your mind clear today?

7 THE DEFENDANT: Yes, it is.

8 THE COURT: Do you understand the nature of these
9 proceedings?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: Mr. Southwell, have you discussed the
12 question of a guilty plea with your client?

13 MR. SOUTHWELL: Yes, I have, your Honor.

14 THE COURT: In your view, does he understand the
15 rights he would be waiving by pleading guilty?

16 MR. SOUTHWELL: Yes, I believe he does.

17 THE COURT: Is he capable of understanding the
18 nature of these proceedings?

19 MR. SOUTHWELL: Yes.

20 THE COURT: Do you have any doubts as to his
21 competency to proceed today?

22 MR. SOUTHWELL: None whatsoever, your Honor.

23 THE COURT: Have you advised him of the penalties
24 that can be imposed and discussed the applicable sentencing
25 considerations, including the sentencing guidelines?

1 MR. SOUTHWELL: Yes, I have.

2 THE COURT: Mr. Dion, have you had a full
3 opportunity to discuss your case with your attorney?

4 THE DEFENDANT: Yes, I have.

5 THE COURT: Are you satisfied with your attorney
6 and the assistance he's given you thus far in this matter?

7 THE DEFENDANT: Yes, I am.

8 THE COURT: I just want to confirm, have you fully
9 consulted with your attorney about the charge in the
10 information that you will be pleading guilty to?

11 THE DEFENDANT: Yes, I have.

12 THE COURT: Then I'm going to advise you of your
13 right to a trial and what rights you would be waiving by
14 pleading guilty to the charge in the information.

15 The first and most important thing you must
16 understand is that you have a right to plead not guilty to
17 the charges in the indictment and to persist in your plea.
18 Under the Constitution and laws of the United States, you
19 would then have a right to a speedy and public trial before
20 a jury, with the assistance of your attorney. If you cannot
21 afford an attorney, the Court will appoint an attorney on
22 your behalf.

23 Do you understand that?

24 THE DEFENDANT: Yes, I do.

25 THE COURT: You are presumed to be innocent and

1 would not have to prove you were innocent. At trial, the
2 burden would be on the government to prove beyond a
3 reasonable doubt that you are guilty of the crime charged.
4 In order to prove you guilty of the crime charged, the
5 government would have to prove beyond a reasonable doubt
6 each and every element, each and every part of the charge.

7 So the government would first have to prove you
8 were engaged in a conspiracy, which is an agreement to
9 commit an unlawful act. The government would have to prove
10 that you knowingly and wilfully entered into the conspiracy,
11 that the conspiracy existed between the dates alleged,
12 between August 1st, 2009 and December 1st, 2011, and that the
13 object of the conspiracy was to execute the scheme to
14 defraud in connection with the sale of the common stock we
15 discussed, by means of making false and fraudulent
16 representations, promises and money, in connection with the
17 purchase of stock.

18 The government would also have to prove an object
19 of the conspiracy was to travel in interstate and foreign
20 commerce through the use of the mails and facilities, with
21 the intent to facilitate -- to promote, manage, establish
22 and facilitate the promotion of the unlawful activity, and
23 more specifically, commercial bribery, in violation of New
24 York law and in violation of federal law.

25 Also, the government would have to prove that you

1 committed acts in furtherance of the conspiracy, and there
2 are six acts alleged in the information, including Overt Act
3 A: That you discussed the scheme on August 31st, 2009 with a
4 coconspirator, and you also discussed the scheme with
5 another coconspirator on September 10th, 2009; that you
6 issued a press release on the date alleged, among other
7 acts.

8 Now, if the government fails to present sufficient
9 evidence on any part of the charge in the information, the
10 jury would have the duty to find you not guilty.

11 Do you understand that?

12 THE DEFENDANT: Yes, I do.

13 THE COURT: In the course of a trial, witnesses
14 for the government would have to come to court and testify
15 in your presence. Your lawyer would have the right to
16 cross-examine the witnesses for the government and to object
17 to evidence offered by the government. You also have the
18 right to offer testimony and other evidence in your behalf,
19 and to compel the attendance of witnesses.

20 Do you understand that?

21 THE DEFENDANT: Yes, I do.

22 THE COURT: Although you have the right to
23 testify, you cannot be compelled to testify and incriminate
24 yourself. If you decided not to testify, the Court would
25 instruct the jury that they could not hold that against you.

1 Do you understand that?

2 THE DEFENDANT: Yes, I do.

3 THE COURT: If you plead guilty, I will ask you
4 questions about what you did, in order to satisfy myself
5 that you are guilty of the charge to which you seek to plead
6 guilty, and you will have to answer my questions and
7 acknowledge your guilt. Thus, you will be giving up the
8 right that I've just described, that is the right not to say
9 anything that would show you are guilty of the crime with
10 which you're charged.

11 Do you understand that?

12 THE DEFENDANT: Yes, I do.

13 THE COURT: If you plead guilty and the Court
14 accepts your guilty plea, you'll be giving up your right to
15 a trial and all the other rights I've just discussed. There
16 will be no trial and the Court will simply enter a judgment
17 of guilty based on your plea.

18 Do you understand that?

19 THE DEFENDANT: Yes, I do.

20 THE COURT: Are you willing to give up your right
21 to a trial and the other rights I've discussed with you?

22 THE DEFENDANT: Yes, I am.

23 THE COURT: I understand that you've entered into
24 a written agreement with respect to your guilty plea, and I
25 have in my hand an eleven-page document entitled "Plea

1 Agreement," which has been marked Court Exhibit 1. Could
2 you please take a look at Court Exhibit 1?

3 Have you had an opportunity to read this written
4 plea agreement in its entirety?

5 THE DEFENDANT: Yes, I have.

6 THE COURT: Have you discussed each and every
7 provision of the plea agreement with your attorney?

8 THE DEFENDANT: Yes, I have.

9 THE COURT: Is that your signature on page 11, on
10 the signature line, above your name?

11 THE DEFENDANT: Yes, it is.

12 THE COURT: This plea agreement provides you that
13 will waive indictment and plead guilty to an information to
14 be filed, sets forth various sentencing considerations and
15 other terms with respect to your guilty plea.

16 Do you understand each and every provision of this
17 written plea agreement?

18 THE DEFENDANT: Yes, I do.

19 THE COURT: Does the agreement as written fully
20 and accurately reflect your understanding of the agreement
21 that you've reached with the government?

22 THE DEFENDANT: Yes, it does.

23 THE COURT: Other than the promises contained in
24 this agreement, has anyone made you any promises that have
25 caused you to plead guilty?

1 THE DEFENDANT: No.

2 THE COURT: Has anyone made any promises to you as
3 to what your sentence will be?

4 THE DEFENDANT: No.

5 THE COURT: Then let me discuss with you the
6 consequences of pleading guilty. The statute you are
7 accused of violating in the information provides for a term
8 of imprisonment of from zero to five years.

9 In determining what sentence to impose within the
10 statutory range, Judge Mauskopf will consider the guidelines
11 issued by the United States Sentencing Commission and the
12 other factors specified by Section 3553(a) of the United
13 States Criminal Code, in determining whether to impose a
14 sentence within the guideline range. The other factors she
15 will consider include the nature and circumstances of the
16 crimes committed, your characteristics and criminal history,
17 and the public interest in your sentence.

18 Prior to sentencing, the Court will receive a
19 presentence report containing information about these
20 factors and the guidelines. You and your lawyer will have
21 the opportunity to see that report and to speak on your
22 behalf at sentencing.

23 Do you understand that?

24 THE DEFENDANT: Yes, I do.

25 THE COURT: Have you and your attorney talked

1 about how the Sentencing Commission guidelines might apply
2 to your case?

3 THE DEFENDANT: Yes, he has, or yes, we have, I'm
4 sorry.

5 THE COURT: I see that the plea agreement does set
6 forth a guideline calculation in paragraph 2. And at the
7 end of paragraph 2, you have agreed to stipulate to the
8 guideline calculation set forth in that paragraph, which
9 states that you would be subject to an adjusted offense
10 level of 23, and that would subject you to a range of
11 imprisonment from 46 to 57 months, assuming you fall within
12 criminal history category 1.

13 Do you understand that?

14 THE DEFENDANT: Yes, I do.

15 THE COURT: I just want to confirm with the
16 attorneys that they agree with this guideline estimate.

17 MR. MEYER: Yes, your Honor.

18 MR. SOUTHWELL: Yes, your Honor.

19 THE COURT: Keep in mind, notwithstanding the
20 agreement of the attorneys and your stipulation, the Court,
21 Judge Mauskopf will ultimately decide what the sentencing
22 guideline range will be. It could be different, based on
23 facts obtained. Until the presentence report is prepared
24 and the Court hears from you, your lawyer and the government
25 attorney at sentencing, we will not know with certainty what

1 the guidelines will be, whether or not Judge Mauskopf will
2 find grounds to depart from them, or whether or not she will
3 impose a non-guideline sentence.

4 Do you understand that?

5 THE DEFENDANT: Yes, I do.

6 THE COURT: Under the plea agreement, the
7 government has agreed not to take any position concerning
8 where within the guideline range as determined by the Court
9 your sentence should fall.

10 Do you understand, however, that any
11 recommendation made by you or your attorney, even if it's
12 not opposed by the government, is simply a recommendation
13 and could be rejected by the Court?

14 THE DEFENDANT: Yes, I do understand.

15 THE COURT: So if your sentence is higher than
16 recommended or expected, or the guideline estimates you've
17 heard are wrong, you will not be able to withdraw your
18 guilty plea.

19 Do you understand that?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: In addition to imprisonment, you may
22 be sentenced to supervised release. Supervised release
23 means that after you're released from prison, your
24 activities will be supervised by the Probation Department,
25 and there may be many restrictions placed on your liberty,

1 such as travel limitations, requirements that you report
2 regularly to a probation officer, prohibitions on carrying
3 guns and the like. If you are removed or deported from the
4 United States, which is a likely consequence, as we'll
5 discuss later, a condition of supervised release could be
6 that you not reenter the United States.

7 Do you understand the nature of supervised
8 release?

9 THE DEFENDANT: Yes, I to.

10 THE COURT: The statute you are accused of
11 violating provides for a supervised release term of up to
12 three years. What's important to keep in mind is that if
13 you violate the conditions of release, you could be returned
14 to prison for up to two years, even if the violation occurs
15 close to the end of the supervised period. That means that
16 if you don't follow the conditions of supervised release,
17 your prison term could be substantially lengthened.

18 Do you understand that?

19 THE DEFENDANT: Yes, I do.

20 THE COURT: You could be also subject to a maximum
21 fine of the greater of \$250,000 or twice the pecuniary gain
22 or loss.

23 Mr. Meyer, do you have any estimates on that
24 amount?

25 MR. MEYER: Your Honor, at this time, the

1 government estimates that the loss amount is approximately
2 one million dollars.

3 THE COURT: Okay. So you could be subject to
4 twice that amount as a fine. But the amount I guess at this
5 point will have to be determined, as well as the amount of
6 restitution, making up for the loss that you've caused to
7 others. In addition, you will be subject to a mandatory
8 special assessment of \$100.

9 And as set forth in paragraph 6 of the plea
10 agreement, you could also be subject to removal, since a
11 plea of guilty to the crime charged in the information could
12 result in serious immigration consequences. If you are
13 removed from the United States, there is very little
14 likelihood that you would be able to obtain relief from
15 removal or be readmitted to the United States.

16 Do you understand that?

17 THE DEFENDANT: Yes, I do.

18 THE COURT: As the plea agreement also makes
19 clear, you have agreed to criminal forfeiture.

20 Has the forfeiture amount been paid at this point?

21 MR. MEYER: No, your Honor. It's my understanding
22 that he doesn't have the funds to pay it today, so interest
23 will accrue from today through his -- through the date that
24 it's paid.

25 THE COURT: As set forth in the plea agreement,

1 you've agreed to a forfeiture of \$50,000. This is an amount
2 that could be in addition to any amounts imposed as a fine
3 or restitution.

4 Do you understand that?

5 THE DEFENDANT: Yes, I do.

6 THE COURT: If, after you are sentenced, you or
7 your attorney think that the Court has not properly followed
8 the law in sentencing you, you ordinarily have the right to
9 appeal your sentence to a higher court. However, under the
10 plea agreement, you have essentially waived your right of
11 appeal by agreeing that you will not file an appeal or
12 otherwise challenge your conviction or sentence, if you are
13 sentenced to a term of imprisonment of 60 months or less.

14 Do you understand that?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: Do you have any questions you would
17 like to ask me about the charge, your rights or anything
18 else to this matter?

19 THE DEFENDANT: No, I believe that's -- I'm fine,
20 thank you.

21 THE COURT: Is everything clear to you?

22 THE DEFENDANT: Yes, it is.

23 THE COURT: Mr. Southwell, do you know of any
24 reason why your client should not enter a plea of guilty to
25 the charge?

1 MR. SOUTHWELL: No, your Honor.

2 THE COURT: Are you aware of any viable legal
3 defense?

4 Mr. SOUTHWELL: No, your Honor.

5 THE COURT: Mr. Dion, are you ready to plead?

6 THE DEFENDANT: Yes, I am.

7 THE COURT: How do you plead to the charge
8 contained in the information, guilty or not guilty?

9 THE DEFENDANT: Guilty.

10 THE COURT: Are you making your plea of guilty
11 voluntarily and of your own free will?

12 THE DEFENDANT: Yes, I am.

13 THE COURT: Has anyone threatened or forced you to
14 plead guilty?

15 THE DEFENDANT: No.

16 THE COURT: Other than the written plea agreement
17 marked Court Exhibit 1, has anyone made you any promise that
18 caused you to plead guilty?

19 THE DEFENDANT: No.

20 THE COURT: Has anyone made you any promise about
21 the sentence you will receive?

22 THE DEFENDANT: No.

23 THE COURT: Then I would like you to describe
24 briefly, in your own words, what you did in connection with
25 the crime charged.

1 MR. SOUTHWELL: Your Honor, with the Court's
2 permission, with Mr. Dion, we prepared a short statement
3 that he'd like to read to you.

4 THE COURT: That's fine.

5 THE DEFENDANT: Okay, thank you.

6 Your Honor, from approximately August, 2009
7 through October, 2009, I agreed with at least one other
8 person to artificially the stock price of a company Sync2,
9 which traded on the NASDAQ Over-the Counter Exchange in the
10 United States. We hoped to accomplish this in part by
11 hiring stock promoters to engage in mass promotion campaign,
12 to create market interest by predicting that the price of
13 the stock was about to increase dramatically, without
14 revealing that they were paid in stock.

15 When the promoters failed to perform and sought to
16 sell their shares in the market, my associates and I found
17 buyers for the stock at the inflated price, to keep the
18 stock price from falling on the sales -- to keep the stock
19 price stabilized. Sorry about that.

20 In addition, in approximately November, 2011, I
21 agreed with at least one other person to artificially
22 manipulate the stock of a company called Siga Resources,
23 Inc., also traded on the Over-the-Counter Exchange in the
24 United States.

25 As part of that effort, I directed others to pay

1 kickbacks to an individual who at the time I believe
2 represented a group of brokers, in order to have those
3 brokers purchase stock in Siga Resources and thereby
4 manipulate the market. On or about December 1st, 2011, I
5 traveled to New York in part to meet with an individual
6 concerning this.

7 Your Honor, I did these acts with the intent to
8 defraud, and I knew at the time that I engaged in this
9 securities fraud that what I was doing was wrong. I'm
10 deeply sorry for my actions.

11 THE COURT: Where in New York did you travel to?

12 THE DEFENDANT: To Manhattan, I'm sorry,
13 Manhattan, downtown Manhattan.

14 THE COURT: Okay. Did any of your activities take
15 you to the Eastern District of New York --

16 THE DEFENDANT: No.

17 THE COURT: -- of the conspiracy?

18 MR. MEYER: Your Honor, I believe the defendant is
19 prepared to waive venue. We do have allegations of there
20 acts occurring within the Eastern District of New York. But
21 just for these purposes, I think he has an agreement that he
22 would waive venue.

23 MR. SOUTHWELL: That's right, your Honor.

24 THE COURT: Do you understand what that means?

25 THE DEFENDANT: Yes, I do.

1 THE COURT: You're not objecting to prosecution in
2 this District.

3 THE DEFENDANT: That's correct.

4 THE COURT: And you agree that there were acts
5 that were committed in this District?

6 THE DEFENDANT: Yes, I do.

7 THE COURT: Did you commit the overt acts
8 described on page 6 of the information?

9 THE DEFENDANT: Yes, I did.

10 THE COURT: And that included wiring funds to a
11 bank account in Queens, New York?

12 THE DEFENDANT: Yes.

13 THE COURT: Anything else?

14 MR. MEYER: Your Honor, I just wanted to add one
15 thing. The two stocks that are at issue in this case that
16 are named in the information, Siga Resources and Sync2
17 Networks Corporation, are both securities that are
18 registered under the -- with the Securities and Exchange
19 Commission under Section 12 of the Security Exchange Act.
20 So if we had to prove that at trial, we could.

21 THE COURT: Do you agree that these are stocks
22 that are registered with the Securities and Exchange
23 Commission?

24 MR. SOUTHWELL: We do agree with that, your Honor.

25 THE DEFENDANT: Yes.

1 MR. MEYER: Nothing further from the government,
2 your Honor.

3 THE COURT: Then based on the information given to
4 me, I find that Mr. Dion is acting voluntarily, that he
5 fully understands the charge, his rights and the
6 consequences of his plea, and that there is a factual basis
7 for the plea. I therefore recommend to Judge Mauskopf to
8 accept his plea of guilty to the one-count information in
9 this matter.

10 Has there been a date set for sentencing?

11 THE CLERK: Sentencing set for March 20th, 2012 at
12 3:30 p.m.

13 THE COURT: I understand this is Mr. Dion's first
14 appearance in this Court?

15 MR. MEYER: No, your Honor, he appeared
16 previously. He was arraigned on a complaint.

17 THE COURT: Okay, fine.

18 MR. SOUTHWELL: Your Honor, just one additional
19 request, and I don't know whether it's merely a formality at
20 this time. We wanted to request expedited sentencing. I
21 believe that's been conveyed to Judge Mauskopf, which is why
22 we have the date that's set.

23 I just wanted to make that clear, that we will be
24 requesting that of the Court. I understand the government
25 has no objection.

1 MR. MEYER: That's correct.

2 THE COURT: Just alert the Probation Department to
3 expedite preparation of the presentence report.

4 MR. SOUTHWELL: Okay, thank you, your Honor.

5 THE COURT: We'll notify them, too.

6 MR. SOUTHWELL: In addition to the plea agreement,
7 we've had discussions with the government about a request
8 for international prison transfer that Mr. Dion will likely
9 be making. And I understand that the government, based on
10 the information that it has today, although not willing to
11 put any agreement in place and not willing to agree by its
12 terms, as of the information today, has no objection to that
13 request.

14 MR. MEYER: Just to clarify. Your Honor, the
15 office of the U.S. attorney's office in the Eastern District
16 of New York, based on all the information we have now, has
17 no objection to an international prison transfer. However,
18 as we've discussed with defense counsel, the ultimate
19 decision is not made by our office, it's made by the
20 Department of Justice and MDC.

21 So, therefore, we expect that the Department of
22 Justice will seek our input in that regard, and to the
23 extent that they seek our input, we have no objection to an
24 international prison transfer.

25 MR. SOUTHWELL: That's right, your Honor. I just

1 wanted to have that on the record. Thank you.

2 THE COURT: Okay, so ordered.

3 MR. MEYER: Thank you, your Honor.

4 MR. SOUTHWELL: Thank you, your Honor.

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18 I certify that the foregoing is a correct transcript
19 from the electronic sound recording of the proceedings in
20 the above-entitled matter.
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23 
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25 ELIZABETH BARRON

March 9, 2012